

HALL COUNTY BOARD OF SUPERVISORS MEETING MARCH 23, 2004

The Hall County Board of Supervisors met March 23 2004, by published call in the county board meeting room, 121 South Pine, Grand Island.

CALL TO ORDER - The meeting was called to order by Chairman Pamela Lancaster.

INVOCATION - Invocation was given by Al Semardt with the Salvation Army.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was given in unison.

ROLL CALL - Present on roll call were Jim Eriksen, Dick Hartman, Bob Humiston, Bud Jeffries, Pamela Lancaster, and Robert Rye. Scott Arnold arrived at the meeting. Also present were County Attorney Jerry Janulewicz and representatives from the *Grand Island Independent* and KRGI.

CONSENT AGENDA ITEMS –Eriksen made a motion and Arnold seconded to approve the following by consent agenda:

1. Accept and place on file the minutes of the March 9th meeting
2. 8 Approve Resolution #04-0010 April is for the Arts
3. Accept and place on file the office reports from the Register of Deeds
4. Accept and place on file the Hall County Treasurer's Miscellaneous Receipts
5. Accept and place on file communications as received

Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

OFFICE REPORT REGISTER OF DEEDS FEBRUARY 2004

DOCUMENTARY STAMP TAX FEES	\$4,627.39
RECORDING FEES	\$16,827.50
PHOTO FEES	\$ 500.90

PROCLAMATION ***RESOLUTION #04-10***

APRIL IS FOR THE ARTS

WHEREAS, the Arts and Humanities contribute to the betterment of our county and the enrichment of our daily lives; and

WHEREAS, The mission of Moonshell Arts and Humanities Council is to foster excellence in the arts and humanities in Nebraska's heartland through collaboration and coordination with allied organizations; and

WHEREAS, The vision of Moonshell Arts and Humanities council is to play a strategic role in the development, enhancement and promotion of the arts and humanities in the tri-city region of Central Nebraska; and

WHEREAS, April is the month to recognize those that teach, support, participate or simply appreciate the Arts and Humanities in Hall County.

NOW THEREFORE, BE IT RESOLVED that we the Hall County Board of County Board of Supervisors declare

APRIL IS FOR THE ARTS

And we call on the people of Hall County to celebrate music, art, dance literature, theater, and history and enjoy the events and activities that show the best of the Arts and Humanities in Hall County.

Approved and adopted this _____ day of March 2004.

Resolution moved by Supervisors _____

Seconded by Supervisor _____

Vote:

Scott Arnold:	For ____;	Against ____;	Abstained ____;	Not Present ____.
James Eriksen:	For ____;	Against ____;	Abstained ____;	Not Present ____.
Richard Hartman:	For ____;	Against ____;	Abstained ____;	Not Present ____.
Robert Humiston Jr:	For ____;	Against ____;	Abstained ____;	Not Present ____.
W.P. (Bud) Jeffries:	For ____;	Against ____;	Abstained ____;	Not Present ____.
Pamela Lancaster:	For ____;	Against ____;	Abstained ____;	Not Present ____.
Robert Rye:	For ____;	Against ____;	Abstained ____;	Not Present ____.

HALL COUNTY BOARD OF SUPERVISORS

Pamela E. Lancaster, Chairman of the Board

Marla J. Conley, Hall County Clerk

Chairman Lancaster stated that item 10 would be moved up for discussion.

10. DISCUSSION ON CONDITION USE PERMIT FOR WERNER CONSTRUCTION

Discussion was held on the location of this gravel pit and how the two-mile jurisdiction of the City of Grand Island would affect this. Lancaster stated that she received a letter from a law firm concerning this issue with some concerns from the residents. It was also questioned if the County has jurisdiction because of the 2-mile area.

Hartman stated that the County issued the permit in March of 2000 and it was amended in May of 2000 and at that time the city jurisdiction did not extend to this area

County Building Inspector Max Boerson stated that they have not complied with the conditional use permit because they have millings stored on the property and he had checked last summer when there were complaints on noise and pumping at night. Jeffries stated that there was a conditional use committee meeting and he was the only one at the meeting. These issues should have been brought up then. This was discussed and because it was in the city's jurisdiction now they thought the city would have to address the problems. He suggested having a meeting with the people that have concerns and try to work out the problems. Lancaster stated the Mr. Jeffries is the chair of the committee and they can meet and bring back a recommendation.

Arnold questioned what happens when the jurisdiction changes as in this case?

Regional Planning Director Chad Nabity was present and he stated that the city will follow the conditional use permit that is in place. He stated that the conditions can be placed on the permit holder but not on the other entities that may pick up gravel from the pit location.

Hartman questioned why nothing has been done and why the county could not control the traffic on the road. Jeffries stated that if there were problems Max should have brought them to the committee to address. County Attorney Jerry Janulewicz stated that this is shared jurisdiction. Recently Werner Construction had put up a barrier to address the noise issue, so they have showed a desire to correct the problems.

Eriksen made a motion and Humiston seconded to refer this matter to the conditional use committee and set up a meeting with all concerned parties and come back with a recommendation at the next meeting. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

9:30 a.m. PUBLIC HEARING COMPREHENSIVE DEVELOPMENT PLAN – Arnold made a motion and Eriksen seconded to open the public hearing for the comprehensive development plan. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

9:30 a.m. PUBLIC HEARING ZONING & SUBDIVISION REGULATIONS - Arnold made a motion and Eriksen seconded to open the public hearing for the zoning and subdivision regulations. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Regional Planning Director Chad Nabity was present and also Keith Martin, a representative from JEO, the consulting firm that was hired to assist with the plan. Chad stated that this has been a 2-year process. The public hearings will be held and then the resolution to adopt the plan and the zoning and subdivision regulations will be adopted

later. He displayed maps of the City of Grand Island and the cities and villages in Hall County highlighting the 2-mile jurisdiction of the cities and villages and the areas of the County that the board has jurisdiction over. All of the white area on the maps is the primary agricultural-districts. He distributed a list of the major changes to the zoning regulations. He stated that many new definitions have been added to the regulation. He reviewed the various zoning districts and pointed them out on the maps. The CAAP area is designated on the zoning map as it was defined in the reuse plan. The City of Grand Island held their public hearing and they will be making some changes.

Discussion was held on the 2-mile jurisdiction. Mr. Nabity stated that State Statute give the county the authority to address only the area that they can control. He stated that there will be a new map to addresses a change on the CAAP land and one other area. He also stated that meetings were held at the extension office concerning the changes on the agricultural regulations this plan is only proposing what the State wants us to do.

Jeffries expressed concern on the 2-mile jurisdiction of the city and how it would affect the large feed lots that are already there. The EPA guidelines concerning livestock confinement are what the new plan follows.

Greg Baxter T&E Cattle Company – requested to speak to the board concerning the zoning restrictions for the livestock confinement. He stressed to the County Board the importance of the agriculture revenue to the state. He stated that this revenue source needs to be protected they are an asset to the state and county. He also expressed concern on the setbacks in the agricultural transitional districts. He stressed the importance of protection our most important asset, agricultural revenue.

Regional Planning Director Chad Nabity responded that what he is addressing today is the area outside of the city's jurisdiction.

Recessed the public hearing for the bid opening.

10:00 a.m. BID OPENING DUMP TRUCK WITH TRADE – The following bids were opened:

Jeffries made a motion and Arnold seconded to refer the bids to the public works committee and they will come back with a recommendation today. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Returned to the public hearing. Chairman Lancaster called for public participation and no one responded.

Hartman made a motion and Humiston seconded to close the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

COUNTY ATTORNEY – 2a CONSIDER & APPROVE STIPULATION IN SCHLICHTEMEIER VS TRI-CITY WHOLESALE – County Attorney Jerry Janulewicz was present and he stated that this was discussed with the board. It is a tax certificate foreclosure case. He is requesting the board's approval. Arnold made a motion and Hartman seconded to approve the stipulation. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

2b APPROVE BID SPECIFICATIONS AND SET DATES FOR PROCUREMENT OF BREATHING AIR CENTERS

2c APPROVE THE BID SPECIFICATIONS AND SET DATES FOR PROCUREMENT OF HYDRAULIC LIFTING, CUTTING & EXTRACTION EQUIPMENT

These bid specifications are for equipment to be purchased from the homeland security grant that was approved for \$70,000.00. The Grand Island Fire Department prepared the technical specifications and the cost of the equipment will exceed \$20,000.00 so it is necessary to have a formal bid opening.

Hartman made a motion and Eriksen seconded to approve the bid specifications for the breathing air centers and for the hydraulic lifting, cutting & extraction equipment. The bids are to be received by April 18th at 5:00 p.m. and the bid opening will be April 20th at 9:30 a.m. Arnold, Eriksen, Hartman, Humiston, Lancaster and Rye all voted yes and none voted no with Jeffries absent for the vote. Motion carried.

2D EXECUTIVE SESSION - NEGOTIATION STRATEGY REGARDING CONTRACT WITH GRAND ISLAND AREA CHAMBER OF COMMERCE REGARDING VISITORS PROMOTION – Jerry Janulewicz stated that he had put this on as an executive session but the agreement has not been finalized. They are now operating under the old agreement and the county needs to give notice that it will be terminated at the end of June. The negotiations need to continue to finalize the new agreement. He is requesting that the board authorize him to give the 90-day notice. Hartman made a motion and Eriksen seconded to authorize County Attorney Jerry Janulewicz to send the 90-day notice of termination. Arnold, Eriksen, Hartman, Humiston, Lancaster and Rye all voted yes and none voted no with

PUBLIC PARTICIPATION – Chairman Lancaster called for public participation. Discussion on the conditional use permit was continued.

Bill Carson was present and he stated that he lives adjacent to the sand pit and he stated that they are not in compliance of the permit. He would like to see a letter sent to

Werner Construction addressing the concerns revoke the permit. The original intent of the pumping operation was to make a lake for Emil Schaaf but the operation is now disrupting the area and the permit needs to be revoked.

Pat O'Hara, 5387 South Engelmann Road requested to speak. The regulations were set up in the resolution and this was accepted, but Werner Construction has allowed the trucks to use the road in front of Cedar Hollow School and the school board does not want this. The conditional use permit needs to be enforced. The City cannot control the road they can only control the pumping and the millings have to be removed.

Lancaster stated that the county has a number of conditional use permits and if there are concerns they need to come to the attention of the county board so they can be addressed.

County Building Inspector Max Boerson was present and he stated he had several complaints from Doctor Carson and he has been working on them. There were complaints about running the engines 24 hours a day and the trucks driving by Cedar Hollow School. There were also complaints on the stock piled millings. What happens when the 2-mile jurisdiction splits the property.

Arnold stated that there are obvious concerns Werner's needs to be contacted and this needs to be worked out and brought back to the county board.

Lancaster stated that she would like to see the meeting held and the issue discussed and then come back with a recommendation. Hartman stated that this has been going on for a while and it needs to be addressed now.

Hartman made a motion to send the letter revoking the conditional use permit for Werner Construction. No second motion failed.

Arnold stated that if there are violations the county has the authority to revoke the permit. Lancaster stressed that the meeting should take place before this occurs.

Jeffries stated that if there were violations the Max Boerson County Building Inspector should have brought it to the committee to address the problems and he has not done that. Discussion was held on setting a meeting date to address this. It was decided that Stacey Ruzicka will contact Mr. Carson with a date and he will inform the rest of the people. There is a public hearing on April 6th for another conditional use permit for Werner Construction.

6 DISCUSS AND APPROVE AND AUTHORIZE CHAIR TO SIGN MEMORANDUM OF ENDORSEMENT FOR PROJECT THRIVES – Hartman made a motion and Arnold seconded to approve the memorandum of endorsement for project thrives. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

7 DISCUSS & TAKE ACTION ON REPLACEMENT BUS PURCHASE FOR GRAND GENERATION CENTER – Lois Stienke was present and she stated that she was contacted by the Nebraska Department of Roads concerning the opportunity to purchase a used replacement handi-bus at an 80/20 match. She stated that she would like to purchase a small bus at the cost of about \$45,000.00. They would have to add the lettering and install the radio equipment but if the old bus were sold these funds would help with those costs. The old buses have high repairs and this is a good opportunity to replace it. The cost to the county would be \$8,000.00.

Jeffries made a motion and Eriksen seconded to approve the purchase of a small bus and approve the \$8,000.00 match from the County. Lois stated that the small buses have the wheel chair lifts and that is very important to them. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

5b DISCUSS AND APPROVE FEDERAL-AID URBAN BOUNDARY UPDATE MAPS – The board requested that this item be tabled until the next meeting.

16b DISCUSSION ON CLAIM FROM MARY LANNING – The board members received information concerning this claim from the Public Defender and Jeffries made a motion and Eriksen seconded to deny this claim. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

BID OPENING ON DUMP TRUCK – Jeffries stated that the public works committee reviewed the bids and recommended to accept the low bid from Nebraska Truck in the amount of \$63,480.00. Jeffries made a motion and Arnold seconded to accept the low bid. Hartman stated that he thought the county was not going to buy any equipment because they wanted to wait for the state bids came in. Jeffries questioned why this wasn't discussed in a public works committee meeting if they don't want to buy any new equipment. Lancaster questioned if this should go back to the committee.

Jeffries withdrew his motion and Arnold withdrew his second.

Jeffries made a motion and Arnold seconded to refer the bids to the public works committee. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

16 COMMECNE AUDIT OF BI WEEKLY PAY CLAIMS AND REGULAR CLAIMS AND ACTION ON CLAIM AUDIT – The claims were reviewed by the board members and Arnold made a motion and Jeffries seconded to approve the claims and authorize the clerk to pay. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

9 EXECUTIVE SESSION UNION NEGOTIATIONS – Arnold made a motion and Eriksen seconded to go into executive session. Arnold, Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no with Hartman absent for the vote. Motion carried.

11:15 a.m. executive session

12:05 a.m. Jeffries made a motion and Humiston seconded to go out of executive session. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Returned to regular session.

BOARD ASSISTANTS REPORT – Board Assistant Stacy Ruzicka was present and stated she had no report.

BOARD MEMBER'S REPORT – Hartman – he stated that there had been some publicity on Mid Plains Center but no one has come back for more information.

Humiston – He stated that he attended the computer meeting, the interlocal meeting with the city, Economic Development meeting and the insurance meeting that was discussed.

Eriksen - He reported that the sale of the land at CAAP was held and that the Army Corp of Engineers was here. He also had two meetings with wildlife groups addressing some of their concerns.

Rye – He attended a library board meeting concerning the bookmobile contract and they will be working on that.

Jeffries – No report

Arnold – He attended the GIS steering committee meeting. He also stated that the bookmobile has been receiving some funding from keno. The bookmobile provided services outside the City limits and to day care facilities and nursing homes they would like to be able to use the county computer network. More discussion will be held on this in April.

Lancaster reported that she attended the underground water festival and the NACO Central District meeting. She also toured Mid Plains center when the Governor was here. She also stated that the GIS technician has started working and encouraged the board member to stop and see him. The network manager position has been advertised and the county has received some good applications.

NEW OR UNFINISHED BUSINESS – Chairman Lancaster called for new or unfinished business and no one responded.

Meeting adjourned 12:15 a.m. The next meeting will be April 6, 2004 at 9:00 a.m.

Marla J. Conley Hall County Clerk